

### **REMARKS**

Claims 1 – 60 are pending and at issue. Of these, the office action has allowed independents claim 48 and claim 49. The office action has objected to claims 7 – 14, 19 and 24 on the grounds that they depend from a rejected base claim, but otherwise confirmed that these claims recite allowable subject matter. The remaining claims stand rejected on prior art grounds, including claim 18 which is separately rejected under 35 U.S.C. § 112, ¶2. Separately, the examiner previously failed to provide any bases for rejection of claims 21, 47 and 58, and therefore applicant considers these claims as allowed.

In light of the following, applicant respectfully traverses all rejections.

### **Status of Amendments**

Applicant has amended allowed claims 7, 9, 10, 14, 19 and 24 into independent claim form, albeit with some claim language modifications. These claims, and any claims depending therefrom, are therefore in condition for immediate allowance.

Applicant has amended independent claim 1 to include subject matter similar to that of previously-dependent claims 4 and 6, which claims stand rejected under a single prior art rejection, one based on the *Okazaki* reference in purported combination with a patent to *Uchida et al.* (U.S. Patent No. 7,110,112). Applicant has canceled claims 4 and 6, accordingly.

Applicant traverses the rejections of claims 4 and 6 because the *Uchida et al.* patent is not prior art to the present application. The present application was filed, under 35 U.S.C. § 371, based off of PCT No. PCT/EP03/03496, which was filed on April 3, 2003, and which was based off of two foreign priority applications, DE 102 14 780.9 and 102 14 781.7 both filed on April 3, 2002. The present application is entitled to a priority date of at least April 3, 2003, in actuality April 3, 2002. *Uchida et al.* is a national phase of application PCT/JP03/02534, which application published as WO 02/074993 in a language other than English, specifically Japanese, and which application is entitled to an effective date of September 12, 2003 after the effective priority date of the instant application. The actually cited *Uchida et al.* patent is only entitled to an effective date of September 19, 2006 – its

publication date – and is not entitled to a 35 U.S.C. § 102(e) date. See, MPEP 2136.03. In either case, *Uchida et al.* is not prior art and any rejections based thereon are traversed.

Thus, for the foregoing reasons, applicant respectfully asserts that independent claim 1 is in condition for immediate allowance, along with its dependent claims.

Furthermore, because the rejections of each of the other independent claims were based on purported combinations that included *Uchida et al.*, these rejections are also traversed, save the rejection of independent claim 50 which the examiner rejected without reliance on *Uchida et al.* As a result, all of other rejected independent claims 33, 35, 37, 39, 41, and 44<sup>1</sup> are in condition for immediate allowance, along with their respective dependent claims. Independent claims 48 and 49 already stand allowed.

With respect to the independent claim 50, applicant has amended the claim to include only recitations like that of allowed claims 48 and 49, respectively. Therefore, claim 50 is in condition for allowance for at least the same reasons.

Various claims have been amended to better conform the claims to United States format. Furthermore, applicant has added claim 61, which derives support from at least paragraph [0026] of the published application. Applicant has added claims 62 – 71 to better conform the claims to United States practice. Each of these claims depends from a base claim that applicant respectfully asserts is in condition for allowance. No new matter has been added. A fee covering the claim amendments is transmitted herewith.

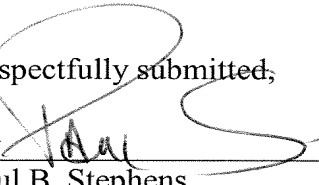
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<sup>1</sup> As noted above, the examiner never provided any basis for a rejection of claim 47 in the first office, so the applicant considers the claim allowed.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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